

CHAPTER 2: LAND DEVELOPMENT REGULATIONS

*State Law References: County Planning Act, S.C. Code 1976, § 4-27-10 et seq.; authority to adopt subdivision regulations, S.C. Code 1976, § 6-7-1010 et seq.; South Carolina Local Government Comprehensive Planning Enabling Act, S.C. Code 1976, § 6-29-1010 et seq.

ARTICLE A. INTRODUCTION**Sec. 6-2-1. Statutory Authority.**

This chapter is prepared in accordance with the provisions of S.C. Code 1976 6-7-310-6-7-1280.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-1)

Sec. 6-2-2. Purpose of Chapter.

The purpose of this chapter is to establish procedures and standards for the development and subdivision of real estate within in the county and its municipalities in an effort to, among other things:

- (1) Encourage economically sound and stable development;
- (2) Assure the timely provision of required street, utilities, and other facilities and services to new land development;
- (3) Assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land development;
- (4) Assure the provision of needed public open spaces and building sites in new land development by dedicating or reserving land for recreational, educational, transportation, or other purposes;
- (5) Assure the wise and timely development of redevelopment of new areas, in harmony with the comprehensive plan for the county and its municipalities.

(Ord. No. 5-79, 4-17-79; Code 1980, §6-2-2; Ord. No 15-99, § II, 4-20-99)

Sec. 6-2-3. Jurisdiction.

This chapter shall apply throughout the unincorporated territory of the county, and throughout any municipality provided such municipality adopts this chapter in accordance with the provisions of state law.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-3)

Sec. 6-2-4. Definitions.

The following words, terms, and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words and terms not defined in this section shall have their customary dictionary definitions.

ADMINISTRATIVE OFFICER: Such person as shall be designated by the governing authority, or, in the absence of such designation, the county engineer.

BLOCK: A parcel of land entirely surrounded by streets, highways, or a combination of streets, highways, parks, or railroad right-of-way.

COMPREHENSIVE PLAN: The official plan or any part thereof for Greenwood County, Greenwood, Ninety Six, Ware Shoals, Hodges, and Troy, adopted and approved in accordance with the provisions of S.C. Code 1976, tit. 6, ch. 29.3.

CONCEPTUAL PLAN: A map, sketch, or drawing showing an actual or planned subdivision.

CUL-DE-SAC: A street with a single means of ingress and egress having the other end designed for the reversal of traffic movement.

EASEMENT: A grant by the property owner for the use, for a specific purpose, of a strip of land.

ENGINEER: A registered professional engineer in good standing with the state board of registration.

FINAL DEVELOPMENT PLAT: Boundary survey that has met all the requirements and financial guarantees as provided in Article G of this chapter and has been granted Final Approval by the Joint Planning Commission.

FLAG LOT: A building lot that utilizes unique physical features but does not have the required lot width at the normal setback line. An additional elongated strip is required to allow access for that property on a public or private road right-of-way.

INTERMEDIATE TURNAROUND: A turnaround along a cul-de-sac having one-half the radius of the cul-de-sac termination.

JOINT PLANNING COMMISSION: The County Joint Planning Commission.

LAND DEVELOPMENT: A change in land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, or similar developments for sale, lease, or any combination of owner and rental characteristics.

LOT: A single parcel or tract of land as part of a subdivision or a tract of land of three acres or less.

PLAT: A map, sketch, or drawing showing an actual or planned subdivision.

PRELIMINARY DEVELOPMENT PLAT: Boundary survey should be properly and accurately drawn revealing all of the information developed by and during the survey.

REGULATIONS: The whole body of regulations, text, charts, diagrams, notations and references contained or referred to in this chapter.

STREET: A way for motor vehicle traffic, whether public or private. Streets shall be designated by the Joint Planning Commission, or, in the absence of the Commission, the administrative officer, so as to fall into one of the following categories which most accurately describes it:

THOROUGHFARE: Streets designated as arterials or collectors on the official thoroughfare plan

MAJOR ARTERIAL: Street which accommodates large traffic volumes and provides for through trips between major cities.

MINOR ARTERIAL: Street which accommodates large traffic volumes and provides for long trips within the area.

FOUR LANE COLLECTOR: Street used to collect or distribute large traffic volumes between local streets and arterials.

TWO LANE COLLECTOR: Street used to collect and distribute medium traffic volumes between local street and arterials. Principal entrance and circulation streets of subdivisions are also classified as two-lane collectors.

LOCAL STREET (RURAL OR URBAN): Streets used primarily for access to the abutting properties.

ALLEY: A minor way used for service access to the back or side of properties otherwise abutting on a street.

CUL-DE-SAC: A minor street having one end open to motor vehicle traffic and one end terminating in motor vehicle turnaround.

PUBLIC STREET: Street which is available for the use of the general public, whether by deed, dedication, or operation of the law.

PRIVATE STREET: A vehicular way which is not available for the use of the general public.

PUBLICLY MAINTAINED STREET: A public street which has been accepted by the governing authority for permanent maintenance from public funds.

NON-PUBLICLY MAINTAINED STREET: A public street which has not been accepted by the governing authority for permanent maintenance from public funds. Also, all private streets.

SUBDIVIDER: The owner or agent of the owner of any land to be subdivided within the jurisdiction as defined in section 6-2-3 who transfers or sells or agrees to sell or negotiate to sell such land.

SUBDIVISION: The division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purposes of sale, lease, or building development, whether immediate or in the future. This definition includes all land divisions involving a new street or change in existing street. It includes resubdivisions involving the further division or relocation of lot lines of any lot within a previously approved or recorded subdivision, as well as combinations of lots of record. The following exceptions

are included within this definition only for the purpose of requiring that the City/County Planning Department be informed and have a record of the subdivisions.

- (1) The combination or recombination of portions of previously platted lots of record where the total number of lots is not increased and the resultant lots are equal to the standard of the governing authority;
- (2) The division of land into parcels of five acres or more where no new street is involved. The Joint Planning Commission may receive plats of these exceptions as information and indicate that fact on the plats.
- (3) The combining or recombining of entire lots of record where no new streets or change in existing streets is involved.

SUBDIVISION PLAN: A map or drawing upon which the subdivision plan or the subdivision is presented for approval.

SURVEY: The orderly process of determining data relating to the physical characteristics of the earth, which may be further defined according to the type of data obtained, the methods and instruments used, and the purposes to be served.

SURVEYOR: A registered land surveyor in good standing with the state board of registration.

THOROUGHFARE PLAN: The official thoroughfare plan, a part of the Comprehensive Plan for Greenwood County, Greenwood, Ninety Six, Ware Shoals, Hodges, and Troy.

UTILITIES: Any or all utility services to a subdivision, including water, electric, telephone, cable, TV, gas, and sanitary sewerage, whether such utilities are supplied by a private individual, a private company, or a governmental entity.

VALLEY GUTTER: See Article F of this chapter for a description of sections of roadway side ditches to be paved.

ZONING ORDINANCE: The applicable officially adopted zoning ordinance for Greenwood County, Greenwood, Ninety Six, Ware Shoals, Hodges, and Troy.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-4; Ord. No. 1-99, § 8, 1-5-99; Ord. No. 15-99, § III, 4-20-99 Ord. No. 09-02, 06-04-02, Ord. No. 24-04, 12-21-04)

Cross references: Definitions and rules of construction generally, § 1-1-2.

Secs. 6-2-5--6-2-10. Reserved.

ARTICLE B. GENERAL PROVISIONS**Sec. 6-2-11. Plat Approval Required.**

A subdivider may transfer, sell, or agree to sell lands which are not a part of the subdivision as defined in section 6-2-4, but it shall be unlawful for any subdivider to transfer, sell, or negotiate to sell a portion of a subdivision by reference to or exhibition of or any other use of a plat or by metes and bounds until a plat of such subdivision is approved by the Joint Planning Commission and recorded in the office of the Clerk of Court.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-11; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-12. Prerequisites for Recording Plats.

Requirements for recording a plat are as follows:

- (1) An application for subdivision approval shall be made to the administrative officer as provided in Article C of this chapter.
- (2) A preliminary subdivision plan as provided in Article D of this chapter shall be submitted to and approved by the Joint Planning Commission. The Joint Planning Commission may delegate to the Planning Director the authority to approve preliminary subdivision plans involving subdivisions of 25 or fewer lots only. The action of the Planning Director shall be final, unless the subdivider requests review by the Joint Planning Commission. The Joint Planning Commission shall conduct the final review of such plans. When a proposed subdivision fails to comply with a specific standard of the land development regulations, such plans must be referred to the Joint Planning Commission for consideration of a variance as proscribed by Article J of this chapter.
- (3) Minimum improvements as set forth in Article F of this chapter shall have been completed or financial guarantees securing the construction of such improvements shall be approved and filed with the administrative officer in accordance with the provisions of Article G of this chapter.
- (4) An offer of dedication of all public ways, land, or easements, if such are proposed, shall be made to the appropriate governing authority as provided in Article H of this chapter, and accepted by such governing authority. If such offer of dedication is not accepted, the subdivider shall make such adequate provision as shall be required by the Joint Planning Commission for the perpetual maintenance of all improvements contained in and on such ways, lands, or easements until such obligations are assumed by such governing authority or political subdivision.
- (5) A final subdivision plat shall be approved by the Joint Planning Commission as provided in Article I of this chapter. Where a proposed subdivision contains no more than 14 lots and does not require dedication of any land or installation of any public improvements, the Joint Planning Commission shall consider and act upon the preliminary subdivision plan as the final subdivision plat.
- (6) A maintenance bond shall be posted with the governing authority of the county or municipality, as the case may be, as provided in Section 6-2-141.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-12; Ord. No. 2-89, § I, 2-21-89; Ord. No. 18-95, § I, 10-3-95; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-13. Relation of Land Development Regulations to Zoning and Other Regulations.

- (1) The regulations set forth in this chapter are part of a system of regulations governing land subdivision, development and use, and construction and improvements on land, supplementing and supplemented by zoning, health, drainage, improvement, flood hazard and other controls.
- (2) Applications for subdivision approval shall be considered in relation to all such regulations applicable in the particular case and not only in relation to the land development regulations set forth in this chapter. Where there are conflicts between these and other lawfully adopted regulations involved in such considerations, those which establish the highest requirements or most stringent limitations shall govern except where specific exceptions are set forth in such regulations.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-13)

Sec. 6-2-14. Subdivision Names.

The name of an existing subdivision in the county or any municipality shall not be duplicated by or closely approximate with any other in the county.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-14)

Sec. 6-2-15. Private Streets; Unpaved Streets.

- (1) Paved, private streets are permitted under the following conditions:
 - a. As minor streets. Private minor street providing sole or primary access to one or more lots are permissible only if the following requirements are met:
 1. Such street shall be a cul-de-sac which complies with Section 6-2-62 (c)(1).
 2. The minimum width of the easement for such street shall be 30 feet with two paved lanes of not less than 9 feet each. Additional width may be required if necessary for drainage or installation and servicing of utilities outside the area of the local driving surface.
 3. Design, location, and improvements shall provide for safe intersection with public streets, safe passage of public service and emergency vehicles, and protection of adjoining property.
 - b. As accessways in a Planned Development District (PDD). Private streets are permitted in Planned Development Districts established under the terms of the zoning ordinance only if the following requirements are met:
 1. Such streets shall meet minimum design requirements of this chapter for public streets of comparable classification or use, together with the requirements of the PDD.

- (2) No private street may be approved or created until the subdivider executes and records in the Office of the Clerk of Court for Greenwood County an agreement in form satisfactory to the governing authority to provide for:
- a. The continuing common use of the private street by occupants of the property served;
 - b. An easement granting access to public service and emergency vehicles;
 - c. Easements for drainage and utilities, which are subordinate to the rights of maintenance with regard to the road;
 - d. The continuing private maintenance of the private street in accordance with the following provisions:
 1. The costs of maintenance shall be an assessment against the owners of the property within the subdivision to be divided among them in proportionately based on their values as established by the Assessor without regard to the assessment ratio and without regard to the agricultural use exemption;
 2. The costs shall constitute an lien against of the property owner of the property within the subdivision and is to be superior to all liens except liens for taxes.
 3. In the event legal action is necessary to enforce the payment of the assessment, costs of collection, including reasonable attorney fees, shall be awarded to the prevailing party.
 4. In the event the street is not maintained in accordance with this subsection so that the condition may prevent access to properties by public service and emergency vehicles, the administrator of the governing authority, or his designee, shall have the right to enter the premises for the purpose of performing maintenance on the street and enforcing the lien for the costs thereof and to recover all costs of collection, including attorney fees.

The provision of this sub-paragraph shall expire prospectively if and when the street is accepted by the governing authority for permanent maintenance with public funds, however, any unpaid assessments for maintenance performed prior to the acceptance by the governing authority shall remain due and payable.

The provisions of this section are in addition to requirements for posting a performance bond in order to sell lots before the infrastructure is in place and are also in addition to the requirements for posting a bond maintenance in connection with the acceptance by the governing body of the road for public maintenance.

- (3) No unpaved street may be created after the effective date of this ordinance. [July 3, 2007.]

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-15)

Sec. 6-2-16. Location, Width, etc. of Streets to Conform with Comprehensive Plan.

The arrangement, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan or elements thereof officially adopted, and shall be considered in relation to

existing and proposed transportation patterns, topographical and other natural features, public convenience and safety, and appropriate relation to proposed uses of land to be served by such streets and existing or potential land uses in adjoining areas.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-16)

Sec. 6-2-17. Applicability of Chapter.

- (1) Within the jurisdiction of this chapter, no subdivision shall be made, platted or recorded for any purpose, nor shall parcels resulting from such subdivision be sold or offered for sale, unless such subdivision meets all of the requirements of this chapter and applicable related regulations.
- (2) No plat of any subdivision within such jurisdiction shall be filed or recorded by the Clerk of Court until it shall have been submitted to and approved by the Joint Planning Commission, and such approval entered in writing on the plat.
- (3) Filing or recording of a plat of a subdivision without the approval of the Joint Planning Commission as required in this chapter is hereby declared a misdemeanor, and upon conviction is punishable as provided by law.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-17; Ord. No. 1-99, § 8, 1-5-99)

Secs. 6-2-18--6-2-30. Reserved.

Sec. 6-2-18. All Lots to Access Paved Streets; Exceptions; Flag Lots.

- (1) Except as provided in this section, all lots created in Greenwood County after the effective date of this ordinance [July 3, 2007] must be situated on or have direct access to a paved, publicly maintained street, or a paved, private street which intersects with a paved, publicly maintained street. No lots may gain access to a public or private street via an easement, unless the improvements in the easement are constructed to the same county standards as required for all county maintained roads.
 - a. Where unpaved roads existed prior to the effective date of this ordinance, lots may be created along such roads if the lot meets all of the following requirements:
 1. On all unpaved roads, each lot must have a minimum of 400 feet of road frontage.
 2. On all unpaved roads, each lot must have minimum of lot size of 5 acres.
 3. With regard to unpaved roads, one of following mechanisms for maintenance of the unpaved road must exist:
 - a) A recorded agreement that complies with 6-2-15(b).
 - b) A special tax district has been created under 4-9-30(5) of the South Carolina Code which provides for the maintenance of the road; or
 - c) A similar district of a governmental nature has been created to provide for the maintenance.

The obligations for private maintenance of the road shall expire if and when the governing authority accepts the road for permanent maintenance with public funds.

- (2) The elongated portion of a flag lot for a residential lot shall be a minimum width of 30 feet for lots up to 4.0 acres in size and shall be a minimum width of 50 feet for lots over 4.0 acres in size.
- (3) If a zoning district does not contain a minimum lot width requirement, that elongated portion of a flag shall be a minimum width of 30 feet for lots up to 4.0 acres in size and shall be a minimum of 50 feet for lots over 4.0 acres in size.

(Ord. No. 09-02, 06-04-02; #16-04, 06-15-04; #07-24, 07-03-07)

Sec. 6-2-19. Procedures for Conceptual Plan Review.

The following is an outline of the procedure for obtaining conceptual plan approval of a subdivision:

- (1) Prior to preparing a conceptual plan review of a subdivision and filing an application for approval thereof, the subdivider should consult with the administrative officer regarding his proposal, the requirements of this chapter and the provisions of the Comprehensive Plan.
- (2) An application requesting approval of the conceptual subdivision plan, together with the subdivision plan prepared in accordance with the requirements of Article D of this chapter, and supporting material as required by Article D or by the Joint Planning Commission, shall be filed with the administrative officer 15 days prior to the regularly scheduled meeting of the Joint Planning Commission at which the plan is to be considered.
- (3) The Joint Planning Commission shall consider and act on the conceptual subdivision plan as provided in Section 6-2-43 within 60 days after the filing of the application by either approving the plans as submitted or by notifying the applicant that the plans do not comply with the standards contained in this chapter.
- (4) After receiving Joint Planning Commission approval of the conceptual subdivision plan, the subdivider shall be required to implement these plans within two years of the Joint Planning Commission approval.

ARTICLE C. APPLICATION FOR PRELIMINARY SUBDIVISION APPROVAL**Sec. 6-2-31. Procedures.**

The following is an outline of the procedure for obtaining approval of a subdivision of land within the county or a municipality therein:

- (1) Prior to preparing a preliminary subdivision plan and filing an application for approval thereof, the subdivider should consult with the administrative officer regarding his proposal, the requirements of this chapter and the provision of the Comprehensive Plan.
- (2) An application requesting approval of the preliminary subdivision plan, together with the subdivision plan prepared in accordance with the requirements of Article D of this chapter, and supporting material as required by Article D or by the Joint Planning Commission, shall be filed with the administrative officer 15 days prior to the regularly scheduled meeting of the Joint Planning Commission at which the plan is to be considered.
- (3) The Joint Planning Commission shall consider and act on the preliminary subdivision plan as provided in Section 6-2-43 within 60 days after the filing of the application by either approving the plans as submitted or by notifying the applicant that the plans do not comply with the standards contained in this chapter. Otherwise, plans that have been submitted with all required information shall be deemed to have been approved. The applicant may waive this requirement and consent in writing to an extension of the period.
- (4) After receiving Joint Planning Commission approval of the preliminary subdivision plan, the subdivider may install required improvements within the area covered by the approved plat or secure financial guarantees as provided in Article G of this chapter.
- (5) Upon installation of improvements or the securing of financial guarantees, an application for approval of a subdivision plat may be submitted as provided in Article I of this chapter. A subdivision plat shall not be approved until minimum improvements are installed or financial guarantees are secured.
- (6) An application for approval of the subdivision plat as provided in Article I of this chapter shall be filed with the administrative officer within 18 months of the date of the subdivision plan approval and 15 days prior to the regularly scheduled meeting of the Joint Planning Commission at which the plat is to be considered.
- (7) All preliminary plans submitted that involve property designated planned development districts (PDD) on the official zoning maps will be required to comply with any supplemental standards or requirements imposed on the PDD during the rezoning process.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-31; Ord. No. 1-99, § 8, 1-5-99; Ord. No. 15-99, § IV, 4-20-99)

Secs. 6-2-32--6-2-40. Reserved.

ARTICLE D. PRELIMINARY SUBDIVISION PLAN**Sec. 6-2-41. Submittal.**

Six copies of the preliminary subdivision plan, prepared in accordance with the requirements of Article C of this chapter, shall be submitted to the administrative officer with the application for approval. One copy of any supporting documents required in Article C shall be submitted.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-41)

Sec. 6-2-42. Distribution.

Copies of the preliminary subdivision plan shall be distributed by the administrative officer to all applicable public agencies for review and recommendations.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-42)

Sec. 6-2-43. Joint Planning Commission Action.

Joint Planning Commission action shall consist of approval as submitted, conditional approval, or disapproval. If the plan is conditionally approved or disapproved, the conditions or reasons for such action shall be noted. The action of the Joint Planning Commission shall be noted on two copies of the plan, references and attached to any conditions determined. One copy shall be returned to the subdivider and the other retained by the Joint Planning Commission.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-43; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-44. Effect of Approval.

- (1) Approval of the preliminary subdivision plan by the Joint Planning Commission shall be authorization for the subdivider to proceed with preparation of construction drawings, layout of streets, installation of improvements and staking of lots. No improvements shall be installed prior to approval of the preliminary subdivision plan by the Joint Planning Commission.
- (2) Conditional approval shall require compliance with specific provisions of this chapter, and such provisions shall be stated.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-44; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-45. Scale.

The preliminary subdivision plan shall be clearly and legibly drawn to a scale of no less than 100 feet to the inch (one inch equals 100 feet) and not larger than 20 feet to the inch (one inch equals 20 feet) and marked "Subdivision Plan."

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-45)

Sec. 6-2-46. Contents and Supporting Documentation.

(1) The preliminary plat shall show the following:

a. Identification Data

1. Title Block: name of subdivision, municipality and county, north point, graphic scale, and date.
2. Key Map: a vicinity sketch at a scale of not more than 1,000 feet to the inch (one inch equals 1,000 feet) showing the relation of the proposed subdivision to surrounding development, particularly a landmark. The joint boundaries of adjoining parcels of unsubdivided land, with the names and addresses of the owners, shall also be shown.
3. Boundaries: boundaries of the proposed subdivision. Location of county, city, or town limit line if within or adjacent to the area to be subdivided.
4. Owner and Developer: names and addresses of the owners of the property, the subdivider, and the person or firm preparing the plan.

b. Existing Site Information

1. Streets: name, location, width of right-of-way and width of roadway.
2. Other rights-of-way: location and other pertinent data for railroads, easements, public land, and other features affecting the site.
3. Topography: topography at a contour interval of not greater than 10 feet, or at less than 10 foot intervals if required by the Joint Planning Commission to determine drainage areas.
4. Watercourses: location and extent of watercourses and land subject to flooding.
5. Utilities: location and size of water mains, transmission lines and sanitary sewers within and adjacent to the site.

c. Proposed Site Information

1. Streets: name, location, width of rights-of-way and width of roadway of streets, alleys, and other public ways.
2. Easements: location, width, and type.
3. Lots: layout, land use, number, approximate dimensions and building setback lines.
4. Public Land: location, size, alternate use of all land to be dedicated, sold, or reserved for public use.

(2) The preliminary subdivision plan shall be accompanied by the following:

a. Supporting Documentation:

1. Zoning, where applicable.
2. Existing and proposed zoning district classification.

b. Streets: proposed typical street cross sections; a preliminary or existing and proposed centerline profile for each street shown thereon; and a storm drainage plan, including drainage areas, pipe sizes and easements for outfall storm drainage beyond the limits of the street right-of-way.

- c. Utilities: sketch plans indicating the proposed water supply system and sewage collection and disposal system, with necessary information for the approval of the state Department of Health and Environmental Control, or the state Public Service Commission, as applicable.
- d. Covenants: draft of protective covenants, if any, whereby the subdivider proposes to regulate land use and otherwise protect the proposed development.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-46; Ord. No. 1-99, § 8, 1-5-99)

Secs. 6-2-47--6-2-60. Reserved.

ARTICLE E. DESIGN STANDARDS**Sec. 6-2-61. Generally.**

The following minimum standards shall be observed to the extent practicable in the design of a subdivision.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-61)

Sec. 6-2-62. Streets.**(1) Layout and Alignment:**

- a. All streets shall conform as closely as possible to the Greenwood Area Transportation Study (GWATS) and the land use plan update.
- b. Proposed streets shall be coordinated with the existing street systems in the surrounding area, and where possible shall provide for the continuation of existing streets abutting the subdivision.
- c. All streets shall be opened to the exterior property lines of the subdivision unless permanently terminated by a vehicular turnaround or an intersection with another street.
- d. Reserve strips controlling access to streets are prohibited except where their control is placed with the county under conditions approved by the Joint Planning Commission.
- e. The arrangement of streets shall be such as will not cause hardship to owners of adjoining property in providing convenient access.
- f. Local (minor) streets shall be laid out to discourage their use by through traffic. For local streets, "T" intersections should be used where possible to discourage through traffic and to encourage safety.

(2) Alleys:

- a. Alleys are not permitted in residential districts except as a continuation of an existing dead-end alley.
- b. Paved alleys shall be provided in commercial, multifamily, and industrial developments, except that the Joint Planning Commission may waive this requirement where other definite and assured provision is made for service access, off street loading, unloading, and parking consistent with and adequate for the uses proposed.
- c. Dead-end alleys should be avoided, but where necessary shall be provided with adequate turnaround facilities at the dead-end, as determined by the Joint Planning Commission.

(3) Cul-de-sacs:

- a. Dead-end streets designed to be permanently closed at one end shall not exceed 1,500 feet in length without an intermediate turnaround and shall not exceed 4,500 feet total length. In multi-family and commercial areas, the maximum length shall not exceed 1,500 feet. Length shall be measured from the center of the road of the intersecting

street to the center point of the turnaround. In no case shall a cul-de-sac serve as primary access to more than 40 dwelling units or 100 parking spaces.

- b. Turnarounds shall be provided at the closed end of the street and shall have a minimum radius of 50 feet. Pavement width shall have a minimum curb radius of 40 feet. A landscaped center island may be provided if sight lines are not obstructed. If such island is provided, the pavement width of the turnaround shall be a minimum of 24 feet.
- c. Temporary dead-end streets which extend for a greater distance than the depth of one abutting lot shall be provided with a turnaround conforming to the minimum radii set out in this subsection.

(4) Intersections:

- a. Not more than two streets shall intersect at any one point.
- b. All streets shall intersect as nearly at right angles as possible, subject to variations approved by the Joint Planning Commission upon evidence of good cause. In no case shall streets intersect at an angle of less than 75 degrees.
- c. Streets intersecting other streets shall either intersect directly opposite to each other, or shall be separated by at least 150 feet between centerlines, measured along the centerline of the street being intersected.
- d. Street intersections shall be located at least 150 feet from the right-of-way of any railroad, measured from the center point of the intersection to the railroad right-of-way line nearest the intersection.

(5) Rights-of-Way and Pavement Widths:

- a. Street rights-of-way and pavement widths shall be not less than the following:

	Pavement Width (feet)	Right-Of-Way Width (feet)
Major Arterial	84	100
Minor Arterial	60	75
Four-Lane Collector	60	75
Two-Lane Collector	36	60
Local street, rural (outside valley gutter district)	22	50
Local street, urban (with valley gutter)	28	50
Local street, rural-urban (with curbing)	22	50
Cul-de-sac	24	50 R

- b. Should the Joint Planning Commission determine that land to be subdivided warrants special consideration because of topographical conditions peculiar to the site, the Commission may require greater or lesser street rights-of-way or pavement widths than those provided in this subsection. The Commission may also require easements for the sloping banks or fill material.

(6) Street Design:

- a. The following minimum standards shall be observed in the design of streets:
- b. Specifications:
 1. As a minimum, storm drainage pipes within the road right of way shall be constructed of reinforced concrete pipe and sized to pass the flows generated by a ten year SCS type II storm event. The engineering department may require design for larger events on specific projects where there exists a significantly increased risk of property damage. Storm sewer lines shall be installed beyond the limits of the pavement, except for cross line pipes which shall run at no less than a 45 degree angle intersecting the roadway centerline.
 2. Roadway base shall be a minimum of six inches of macadam base course meeting the requirements of Section 305 of the South Carolina Department of Transportation Standard Specifications for Highway Construction, 1986 Edition with the prime coat omitted. As an alternate, the developer may elect to substitute a 3.5 inch thick asphaltic concrete binder course meeting the requirements of Section 402 of the SCDOT 1986 Standards.
 3. Roadway surface or pavement shall be an average of 200 pounds per square yard and a minimum of 175 pounds per square yard at any point of asphaltic surface course meeting the requirements of Section 403 of SCDOT 1986 Standards. Areas determined to be substandard in thickness upon inspection by the City/County Engineer shall be overlaid with an additional 100 pounds per square yard across the entire width of the roadway 25 feet beyond the substandard area.
 4. The governing authority may require that compaction tests of proof rolling be performed on the subbase, base or surface course as determined by the City/County Engineer. The subbase shall be scarified in all areas and compacted to not less than 90 percent maximum density as determined by AASHTO T-99, SCDOT T-25, or SCDOT T-29 test methods and shall show no more than one-fourth inch deflection over a ten foot span when subjected to a load of 18,000 pounds on a single axle. If minor surface compaction occurs during a specific test, the test may be immediately repeated to remove the effect of one-time surface consolidations. Where deflections exceed this amount, the engineer may require additional subbase removal and replacement until the deflection limits are met. The costs of all compaction tests and/or proof rolling shall be the responsibility of the developer or owner.
 5. All underground utilities (water mains, sewer mains, telephone cables, cable TV, and gas mains) are to be installed beyond the limits of the roadway pavement. Taps, cable drops, and cross lines shall cross at no less than a 45 degree angle to the road centerline.

6. Topsoil removed during the grading shall be preserved and used to establish permanent grass sod along the right-of-way.
- c. These design standards for street construction shall take precedence over utility guidelines if a conflict arises.
 1. Half streets. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this chapter, and where the Joint Planning Commission finds that it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to the tract to be subdivided, the other half street shall be platted within such tract.
 2. Street names. Proposed streets which are obviously in alignment with other existing and named streets shall bear the assigned name of the existing streets. In no case shall the name of proposed streets duplicate or be phonetically similar to existing street names within an established zip code area, irrespective of the use of a suffix such as “street,” “avenue,” “boulevard,” “drive,” “place,” “court,” etc. It shall be unlawful for any person in laying out any new street or road, to name such street or road on any recorded plat, by marking or recording in any deed or instrument, without first getting approval of the Joint Planning Commission. [Sec. 6-7-7]
 3. Additional requirements. On all streets designed or intended principally to serve industrial development, the City/County Engineer may require more stringent design specifications than set forth in the minimum design standards for streets in subsection (f)(1) of this section. Such additional requirements shall meet the requirements of the state department of highways and public transportation specifications for primary routes.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-62; Ord. No. 22-83, §§ 1--5, 11-15-83; Ord. No. 5-90, §§ I, II, 5-1-90; Ord. No. 24-98, § I, 11-2-98; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-63. Blocks.

- (1) General Requirements: Block size and shape shall reflect the physical characteristics of the site regarding topography, natural growth, and soil conditions, and shall permit access, circulation, control, and safety of traffic.
- (2) Residential Blocks:
 - a. No block in a single-family area shall be more than 1,800 feet in length. Maximum block length in a multifamily area shall be 1,000 feet.
 - b. No block in a single-family area shall be less than 300 feet in length. Where practicable, blocks along major thoroughfares and collector streets shall be not less than 1,000 feet in length.
 - c. Where blocks are greater than 1,400 feet in length, a crosswalk easement may be required if necessary to provide proper access to schools, playgrounds, or other public

facilities. Such easement shall be at least 10 feet in width and have a paved walk of at least four feet in width.

- d. In general, blocks used for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth, except where reverse frontage lots are required along a major street, or where prevented by the size, topographical conditions or other inherent conditions of property, in which case the approval of the Joint Planning Commission is required.

(3) Commercial and industrial blocks: Blocks in commercial and industrial areas may vary from the elements of design detailed in subsection (b) of this section if required by the nature of the use.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-63; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-64. Lots and Driveways.

(1) General Standards:

- a. All lots shall be accessible by streets.
- b. The lot size, width, depth, shape, grade, and orientation shall be in proper relation to street and block design, to existing and proposed topographical conditions, and for the type of development and use contemplated.
- c. All lots shall meet the minimum requirements of the zoning ordinance for the district within which they are located.
- d. Double or reverse frontage lots are prohibited, except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography or orientation. All residential reverse frontage lots shall have a rear yard with a minimum depth of 75 feet, measured in the shortest distance from the proposed back building line to the ultimate right-of-way, and shall, within such rear yard and immediately adjacent to the right-of-way, have a non-access planting screen easement of at least 20 feet in depth.
- e. As far as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines.
- f. Corner lots shall be of sufficient size and shape to permit required building setback and orientation to both streets. No corner lot shall be less than 70 feet in width, and corner lots siding on an arterial or four-lane collector street shall be at least 100 feet in width, measured at the building setback line.
- g. Lots facing or backing on an arterial or four-lane collector or backing on a railroad shall have a minimum depth of 150 feet.
- h. Any remnants of land not meeting all the requirements of this chapter for a lot shall either be incorporated in existing or proposed lots or shall be legally dedicated to public use, if acceptable to the county.

(2) Lot driveways:

- a. Each proposed lot shall be so designed as to allow the development of a private driveway serving the lot.

- b. Lot driveways shall be so located, designed, and constructed as to provide a relatively level stopping space the length of a car and outside the street right-of-way.
- c. Driveways on corner lots shall be located at least 40 feet from the point of intersection of the nearest street right-of-way lines.

(3) Commercial and industrial lots:

- a. Lots are not required in subdivisions for commercial and industrial uses, but, when provided, such lots shall be of appropriate size, arrangement and location to ensure adequate off-street parking and loading facilities, access, utility easements, and a suitable relationship with nearby residential uses.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-64; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-65. Easements.

(1) Drainage Easements:

- a. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, adequate areas for storm water or drainage easements shall be allocated, conforming substantially with the lines of such watercourse, and of sufficient width to carry off stormwater and provide for maintenance and improvement of the watercourse.
- b. The location of any surface watercourse, channel, or stream shall not be changed without the approval of the governing authority.

(2) Utility easements: adequate areas of suitable size and location shall be allocated for utility easements. The location and size of such easements shall be worked out with the appropriate utility companies involved.

(3) Maintenance: the county or municipality shall maintain only those easements specifically accepted for public maintenance. Other easements shall stipulate that contiguous owners shall be responsible for general maintenance of such easements. The governing authority or utility companies with lines in such easements shall have full right of access to such easements.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-65; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-66. Public Sites and Open Space.

- (1) All proposed subdivisions shall be reviewed by the Joint Planning Commission to ensure that adequate areas for parks, schools, churches, and other public and semi-public uses are provided whenever necessary in order to conform to the land use plan update. Prior to the preparation of site plans, subdividers of large tracts should review with the Joint Planning Commission the minimum standards for various community facilities applicable to the subdivision. The location, shape, extent, and orientation of such areas shall be consistent with existing and proposed site conditions and public and semipublic needs created by the proposed subdivision.
- (2) If an area is needed, the Joint Planning Commission may require reservation of such area for acquisition by the appropriate governmental unit at a negotiated price within 6 months from

the date of filing of preliminary plat. Such reserved land must be released for private use if the governmental unit rejects the reservation.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-66; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-67. Storm Drainage.

(1) General Standards:

- a. A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part, to permit the unimpeded flow of natural watercourses and to provide positive drainage away from dwellings and onsite sewage disposal facilities.
- b. Where adequate existing public storm sewers are reasonably accessible, the Joint Planning Commission may require that the system proposed for the land being subdivided be connected thereto.
- c. Drainage easements shall be provided in accordance with the provisions of this chapter.

(2) Drainage system standards: street drainage shall serve as the primary drainage system. All streets shall be provided with an adequate storm drainage system, as show in Section 6-2-62, pertaining to minimum design standards for streets.

(3) Areas subject to flooding:

- a. If the area being subdivided, or any part thereof, is subject to flooding, adequate plans and specifications for protection from flooding shall be provided as required in this chapter and as may be specified by the Joint Planning Commission upon review.
 1. Any plat of a subdivision which contains land subject to flooding shall have such areas delineated and clearly marked.
 2. Any plat of a subdivision which contains land subject to flooding shall be accompanied by evidence that no appreciable expansion of the area subject to flooding would result from the proposed development of the land being subdivided, and that the proposed development will be adequately protected from inundation without appreciable interference with the flow of any watercourse or by draining into an impounding basin.
 3. All such evidence, including surveys and specifications, shall be submitted with the final plat, and no final plat shall be approved in the absence thereof.
- b. The use of land or buildings within an area subject to flooding shall meet the following special conditions:
 1. In no case shall any fill, levee, or other protective works be approved unless sufficient compensating adjustments of waterways, ditches or impounding basins are made to prevent any appreciable expansion of flood hazard.
 2. No lot having more than one-quarter of the required area for such a lot lying within the limits of areas subject to flooding shall be approved.
 3. No building line shall extend into such an area.

4. No street shall be approved which would be subject to frequent inundation or flooding.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-67; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-68. Sanitary Sewage Disposal.

Sanitary waste disposal systems shall be installed according to plans approved by S.C. DHEC.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-68)

Sec. 6-2-69. Water Supply.

Water supply systems shall be installed according to plans approved by S.C. DHEC.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-69)

Secs. 6-2-70--6-2-80. Reserved.

ARTICLE F. MINIMUM IMPROVEMENTS**Sec. 6-2-81. Generally.**

All subdivisions shall be provided with the minimum improvements described in this article.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-81)

Sec. 6-2-82. Street Improvements and Construction Standards.

- (1) Street Improvements: All streets shall be graded and drainage structures installed to conform with approved plans submitted as required by Section 6-2-46 and shall be paved in accordance with the street width, pavement width, and pavement base requirements as set forth in Article E of this chapter, pertaining to design standards. Within the corporate limits of Greenwood, Ninety Six, and Ware Shoals, and within the area outside of such corporate limits described in Section 6-2-83 within the valley gutter district, a standard valley gutter shall be provided in front of all lots, except in municipalities where curb and gutter may be required. Beyond the limits of the valley gutter district, where valley gutters are not required, five foot stabilized shoulders and drainage ways outside the shoulders shall be provided.
- (2) Construction Standards:
 - a. Before any final plat of a subdivision shall be eligible for final approval, such street improvements shall be certified in writing by the engineer of the governing authority as meeting the adopted standards and specifications set forth in this chapter.
 - b. Before grading is started, the entire area to be graded shall be cleared of trees, stumps, roots, brush and other objectionable materials.
 - c. An adequate drainage system for all surface water shall be approved by the engineer of the governing authority and installed in accordance with the state highway department's specifications.
 - d. For other specifications, see Article E of this chapter, pertaining to design standards.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-82)

Sec. 6-2-83. Valley Gutter Improvements. (Greenwood County Only).

- (1) Valley Gutter District: any subdivision, a portion of which lies within the county within a 4 ½ mile radius of the Greenwood County Courthouse, or within a 1 ½ mile radius of the Ware Shoals or Ninety Six city hall, constitutes a valley gutter district. In I-1 and I-2 zoning districts, subdivisions for industrial use tracts over ¾ acre in size may use an open ditch section in lieu of valley gutter if used in conjunction with a strengthened road section to accommodate truck traffic.
- (2) Specifications: The valley gutter section shall consist of a paved valley on each outer edge of a paved street. The valley gutter shall be an integral part of the entire street. The valley is to be formed by paving the back slope forming the valley deep enough to retain drainage to an approved storm drain. The valley gutter can be constructed of bituminous pavement with a base of concrete. It shall be so constructed that a vehicle can drive over it without dragging. Ditch

sections will be eliminated by the valley gutter section. The minimum paved width shall be 28 feet for the valley gutter section. The developer may substitute a 6" wide concrete curb and 12" wide concrete gutter section in conjunction with a 22' paved surface for the valley gutter section. Curb inlets and storm drains shall be designed and provided at adequate locations to remove the stormwater from the valley gutter or curb. In industrial developments qualifying for ditch sections as allowed in this section, the valley gutter may be omitted provided that the pavement section is increased to a minimum thickness of 225 lbs/SY of asphalt laid over a minimum of 8" stone base.

(Ord. No. 5-79, 4-17-79; 11-03, 7-15-03; Code 1980, § 6-2-83)

Sec. 6-2-83. Valley Gutter Improvements. (City of Greenwood, Ninety Six, Ware Shoals)

- (1) Valley Gutter District: any subdivision, a portion of which lies within the county within a 4 ½ radius of the county courthouse, or within a 1 ½ mile radius of the Ware Shoals or Ninety Six city hall, constitutes a valley gutter district.
- (2) Specifications: The valley gutter section shall consist of a paved valley on each outer edge of a paved street. The valley gutter shall be an integral part of the entire street. The valley is to be formed by paving the back slope forming the valley deep enough to retain drainage to an approved storm drain. The valley gutter can be constructed of bituminous pavement with a base of concrete. It shall be so constructed that a vehicle can drive over it without dragging. Ditch sections will be eliminated by the valley gutter section. The minimum paved width shall be 26 feet for the valley gutter section.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-83)

Sec. 6-2-84. Utilities.

- (1) Guidelines for Utility Installations: The guidelines for utility installations contained in the manual titled "Manual for Coordinating Utility Service in New Subdivisions," as issued by the state Utilities Coordinating Committee in 1971, as it may be hereafter amended from time to time, shall be guidelines for the actual locating and placing of all utilities in new subdivisions. As such, the manual is hereby adopted by reference. All utilities must meet the requirements of the National Electric Safety Code and the requirements of the state Public Service Commission, which are also included as a part of this chapter by reference.
- (2) Utility Services Provided by Subdivider: Where publicly or privately owned existing water utility services are not available to the subdivision or where the property to be subdivided is not located in a public service sewer district, such utility service shall be provided by the subdivider, subject to sections 6-2-68 and 6-2-69 and the following regulations:
 - a. A private water supply being furnished to residents in a subdivision must have the approval of S.C. DHEC prior to submission of the subdivision plan. Rates to be charged must be approved by the state Public Service Commission prior to submission of the final subdivision plat.

- b. A private sewage collection system and sewage treatment works being furnished by the subdivider must have the approval of S.C. DHEC prior to submission of the final subdivision plat. Rates to be charged must be approved by the state Public Service Commission.
- (3) Utility Services Provided by Existing Utility Systems:
- a. Water service obtained through any governmental unit supplying water to the area must comply with the rules and regulations of such governmental unit and any applicable state regulatory agency.
 - b. Installation of sewer lines within any subdivision and any sewage treatment works must comply with the rules and regulations of the public service district involved, S.C. DHEC, and any other applicable state regulatory agency.
 - c. Electric service within any subdivision will be supplied by the electric utility serving the area.
 - d. Telephone service within any subdivision will be supplied by the telephone utility serving the area.
 - e. If provided, cable TV service within any subdivisions will be supplied by the cable TV utility serving the area.
 - f. If provided, natural gas service within any subdivision will be supplied by the gas utility serving the area.
- (4) Availability of Utility Services: the subdivider must submit satisfactory written evidence to the Joint Planning Commission showing all utility services that will be available to the subdivision, by commitment letters from the utilities involved.
- (5) Installation of the Underground Utilities: all utility mains to be installed are to be located beyond the limits of the roadway pavement.

(Ord. No. 5-79, 4-17-79; Code 1980, 6-2-84; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-85. Inspections.

All subdivisions within the County shall be inspected by the engineer of the governing authority or the administrative officer. Sufficient inspections shall be made to ensure compliance with the specifications set forth in this chapter. Inspections are to be made during construction and development.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-85)

Sec. 6-2-86. Street Name Signs.

Street name signs shall be installed at each intersection by the subdivider. However, as an alternative to this requirement, the subdivider may furnish the engineer of the governing authority with a complete listing of all street names and make a written request that standard street name signs be provided by the county or municipality.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-86)

Sec. 6-2-87. Monuments or Pins.

Monuments or pins shall be placed at the tangent point of curves and at all corners of each lot in the subdivision.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-87)

Secs. 6-2-88--6-2-100. Reserved.

ARTICLE G. FINANCIAL GUARANTEES**Sec. 6-2-101. Generally.**

Financial guarantees covering all improvements required by this chapter shall be prerequisite to Joint Planning Commission action on the application for final plat approval. The subdivider shall submit such guarantees to the commission and the governing authority in accordance with the requirements of this article.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-101; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-102. Certification of Construction.

In subdivisions where the subdivider completes the construction and installation of all required improvements, the subdivider shall file with the Joint Planning Commission written certification by the developer's engineer that the improvements have been completed according to the final plat and design drawings and specifications submitted therewith, and according to the requirements of this chapter, and that the improvements have been accepted by the City, County, or appropriate governmental authority for maintenance.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-102; Ord. No. 24-98, § II, 11-2-98; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-103. Performance Bond.

Prior to completion of any or all required improvements by the subdivider, the subdivider may post a performance bond with the City or County guaranteeing the completion of the improvements in compliance with the requirements in this chapter.

- (1) The City or County shall have the right to refuse a performance bond for any or all required improvements and require construction and installation thereof by the subdivider.
- (2) Where accepted the performance bond shall:
 - a. Run to the City or County.
 - b. Be in an amount equal to 125 percent of the costs as estimated by the governing authority, of any improvements which have not been constructed, installed and completed in compliance with the requirements of this chapter prior to the posting of the bond and for which sufficient certification has been furnished.
 - c. Be with surety as approved by the City or County.
 - d. Specify that all such required improvements shall be completed in accordance with the requirements of this chapter within a period not to exceed one year from the date of posting the bond; provided, however, that the governing body may, by proper application, for good cause shown, extend the time of completion of all or a part of such improvements for such period of time as it deems is in the public interest.
 - e. Run until and terminate 90 days after filing of the certification of completion and acceptance, unless the Joint Planning Commission, City or County determines that the

requirements, standards, and specifications of this chapter applicable to the construction, installation, and completion of such improvements have not been met and notifies the applicant of such determination by certified mail, in which event the bond shall continue to run until the filing of acceptable proof that such standards, requirements, and specifications have been met.

- (3) If any or all of the required improvements are not completed within the time specified in the bond, the governing body may let or re-let the contract, and the subdivider and performance bond shall be severally and jointly liable for the costs thereof to the amount specified for such improvements in the bond.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-103; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-104. Prepayment.

In lieu of construction by the subdivider of any or all required improvements, the subdivider may make payment to the City or County of the full amount of such improvements in compliance with the following requirements:

- (1) The City or County shall have the right to refuse prepayment for any or all required improvements and require construction and installation thereof by the subdivider.
- (2) Where accepted by the City or County, prepayment shall be in an amount equal to 100 percent of the cost as established by the governing authority of the required improvements which have not been either completed and certified and accepted, or covered by a performance bond.
- (3) Where prepayment is accepted, the construction and installation of all improvements covered thereby shall be performed by the appropriate governing body. After completion of the improvements, any unexpended amounts shall be refunded to the subdivider.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-104)

Sec. 6-2-105. Other Guarantees.

Prior to the completion of all required improvements by the subdivider, the Joint Planning Commission and appropriate governing authority may accept such other guarantees as deemed appropriate to ensure the installation of such improvements in accordance with this chapter. In no event, however, shall a Certificate of Occupancy be issued for any dwelling or structure prior to certification by the engineer that all required improvements have been installed as required and accepted for maintenance.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-105; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-106. Release of Bond by County.

A performance bond, letter of credit, or other guarantee posted for the performance of the improvements or construction project may be released by the County when such improvement or construction is approved by the engineer's office, and a maintenance bond established. Such

performance bond, letter of credit, or other guarantee shall be maintained as the maintenance bond at the option of the subdivider.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-106)

Sec. 6-2-107. Use of Funds.

Any funds received from financial guarantees required by this chapter shall be used only for the purposes of making the improvements for which such guarantees were provided.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-107)

Secs. 6-2-108--6-2-119. Reserved.

ARTICLE H. DEDICATION AND ACQUISITION**Sec. 6-2-120. Approval of Plan or Plat not Automatically Constitute or Effect Acceptance of Dedication.**

The approval of the land development plan or subdivision plat may not be deemed to automatically constitute or effect an acceptance by for municipality or the County or the public of the dedication of any street, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the governing body customary to these transactions.

(Ord. No. 15-99, § V, 4-20-99)

Sec. 6-2-121. Streets and Easements.

The subdivider may offer for dedication all streets which are proposed for public use. Such offer shall be included in the final subdivision plat submittal as provided in Article I of this chapter. The requirements for such an offer of dedication are a financial maintenance bond meeting the requirements of Section 6-2-141, a plat and deed for the roadway, and a letter of certification from the City/County Engineer to the respective governmental authority that the roadway meets the requirements of this chapter and the City/County Engineer recommends that the roadway be considered for acceptance by the governmental authority. Dedication shall not be complete until the roadway, deed, and bond are accepted by the respective governmental authority. In the event that the respective governmental authority fails to approve such acceptance, the developer shall make provision for perpetual maintenance as provided in subsections 6-2-12(4) and 6-2-15(1).

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-121; Ord. No. 24-98, § III, 11-2-98)

Sec. 6-2-122. Parks, Schools, and Other Areas for Public Use.

- (1) The subdivider may offer for dedication parks, schools, open spaces, and other areas for public use. Such offer shall be included on the final subdivision plat as provided in Article I of this chapter. In lieu of an offer of dedication, the subdivider may reserve for acquisition by the appropriate public agency, for a period of six months from the date of approval of the final subdivision plat, land, which is identified for parks, schools, open spaces, or other public uses on the Comprehensive Plan. In such case such land shall be retained by the subdivider in its unimproved condition during such period.
- (2) The six month reservation period may be executed by written agreement of the subdivider and public agency. If the public agency does not acquire the land or institute condemnation proceedings within the designated period, the land may be used for the alternate use shown on the final subdivision plat.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-122)

Secs. 6-2-123--6-2-130. Reserved.

ARTICLE I. FINAL SUBDIVISION PLAT**Sec. 6-2-131. Submittal.**

A reproducible mylar and two copies of the final subdivision plat, prepared in accordance with the requirements of Sections 6-2-133 and 6-2-134, shall be submitted to the administrative officer with the application for approval.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-131)

Sec. 6-2-132. Joint Planning Commission Action.

Joint Planning Commission action shall consist of approval or disapproval. If the plat is disapproved, the reasons for such action shall be noted in the Joint Planning Commission minutes. The plat may be resubmitted for consideration at a subsequent Joint Planning Commission meeting. Approval by the Joint Planning Commission shall be noted on the plat.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-132; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-133. Preparation; Scale and Format.

The subdivision plat shall be prepared by a surveyor or civil engineer licensed by the state, and shall be drawn in ink on linen or plastic film type material at a scale of 100 feet to the inch (one inch equals 100 feet) on sheets 18 by 24 inches in size, unless otherwise approved by the administrative officer. The plat shall be identified as the subdivision plat.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-133)

Sec. 6-2-134. Contents.

The subdivision plat shall show the following:

(1) Identification Data

- a. Title Block: the name of the subdivision, the municipality and county, north point, graphic scale, and date.
- b. Boundaries: Boundary line bearings and distances, and boundary ties with the nearest intersection of existing streets or roads.
- c. Owner and Developer: the names of the owner and subdivider.
- d. Surveyor or Engineer: the name and registration number of the engineer or surveyor.

(2) Site Information

- a. Streets: Name, location, and width or rights-of-way of streets, alleys and other public ways, including those which adjoin the subdivision.
- b. Easements: Location, width and type for all runoff stormwater drains, utility easements, and all other easements.

- c. Lots: Lot lines, land use dimensions, building setback lines and identification numbers for lots and blocks. Each lot shall bear a separate and distinct numerical designation, and each block as defined in Section 6-2-4 shall bear a separate and distinct alphabetical designation. There shall be no duplication of lot or block designations on any one plat or for any one subdivision as defined in Section 6-2-4.
 - d. Public Land: Lot lines, dimensions, and alternate use of all land to be dedicated, sold, or reserved for public use.
 - e. Monuments: Location and description of monuments.
- (3) Certificates
- a. Certificate of accuracy by an engineer or surveyor.
 - b. Certificate of approval of the subdivision plat by the Joint Planning Commission.
- (4) Dedication or Reservation: An offer of dedication or reservation of public areas and easements as provided in Article H of this chapter.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-134; Ord. No. 1-99, § 8, 1-5-99)

Secs. 6-2-135--6-2-140. Reserved.

ARTICLE J. MISCELLANEOUS PROVISIONS**Sec. 6-2-141. Maintenance and Maintenance Bond.**

- (1) The Joint Planning Commission shall require the posting of a bond by each subdivider to insure proper maintenance of all roadway improvements required by Article F of this chapter for a period of three years after the date of the acceptance of the improvements by the governing authority. Such bond shall be either in cash, be made by a surety company approved by the Joint Planning Commission and authorized to do business in the state, or be in the form an irrevocable letter of credit by a banking institution licensed to do business in the state and approved by the Joint Planning Commission, and shall be payable to and enforceable by the governing authority of the County or municipality, as the case may be. The amount of the bond shall be determined by the City/County Engineer and shall not exceed the estimated market costs of repaving the roadway surface based on similar projects in the area. In the event of a dispute between the developer and the engineer on such costs, the Joint Planning Commission will make the final determination of the amount of the bond. After one year and after two years, the developer may request a roadway inspection by the engineer or designated inspector. The engineer may reduce the bond amount by up to one-third after one year if the roadway shows no signs of failures or construction damage, and the engineer may reduce the bond an additional one-third after the second year if the roadway continues to show no sign of failure or damage. In the event that minor repairs or damages are present, the engineer may elect to reduce the bond by lesser amounts or to not reduce the bond.
- (2) The subdivider shall maintain all street improvements and all settlements due to utility installations for a period of three years from the time of acceptance of such improvements by the governing authority. Should the developer choose to use the alternate binder as a temporary surface during the development, the required three year bond on the final acceptance may be reduced by one-half of the time from the installation of the binder to the date of the final acceptance if the binder shows no areas of deterioration or failure.
- (3) The subdivider shall make such adequate provisions as shall be approved by the Joint Planning Commission for the perpetual maintenance of all sewer and water facilities in the subdivision until such obligations have been assumed by a government entity.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-141; Ord. No. 5-90, § III, 5-1-90; Ord. No. 24-98, § IV, 11-2-98; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-142. Variations and Exceptions.

Appeals of decisions made by staff may be made to the Joint Planning Commission by any party having an interest in the development. The Joint Planning Commission shall act on the appeal within 60 days of the date of written appeal. All decisions of the Planning Commission are final. An appeal of the decision of the Joint Planning Commission may be taken to the circuit court within 30 days after actual notice of the decision.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-142; Ord. No. 15-99, § VI, 4-20-99; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-143. Amendments to Chapter.

- (1) Review by Joint Planning Commission: All proposed amendments to this chapter, except those initiated by the Joint Planning Commission, shall be submitted to the Commission for its recommendations as to approval, approval with specified alterations, or denial. Unless such recommendation is forthcoming within 30 days of submittal, unless a longer period is agreed upon in writing by the person or agency initiating the proposal, the governing authority may proceed to act.
- (2) Public Notice and Hearing: No such proposed amendment shall be acted upon by the governing authority until after a public hearing thereon, at least 15 days' notice of which shall have been published in a newspaper of general circulation in the county.
- (3) Limitation on resubmittal: Except when initiated by the governing authority or the Joint Planning Commission, no proposed amendment failing of passage shall be considered in substantially the same form within one year of rejection.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-143; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-144. Violation of Chapter; Penalty.

- (1) The owner or agent of the owner of any land to be subdivided within the area of jurisdiction of this chapter who transfers or sells or agrees to sell or negotiate to sell such land by reference to or exhibition of or by any other use of a plat of a subdivision of such land, before such plat has been approved by the Joint Planning Commission and recorded by the Clerk of Court, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in the discretion of the court; and the description of metes and bounds in the instrument of transfer shall not exempt the transaction from these penalties. Such transfer, sale or agreement may be enjoined by appropriate action.
- (2) Any other violation of this chapter or amendments thereof shall be a misdemeanor under the laws of the state, punishable as such by any court of the county having jurisdiction of misdemeanor cases. Each day a violation of this chapter continues may be deemed a separate offense.
- (3) Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of this chapter, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, or to prevent illegal occupancy of any building, structure or premises.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-144; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-2-145. Conflicts with Other Laws.

Wherever the requirements made under authority of this chapter impose higher standards than are required in any other statute or local ordinance or regulation, the provisions of this chapter shall govern.

Wherever the provisions of any statute or local ordinance or regulation impose higher standards than are required by this chapter, the provisions of such statute or local ordinance or regulations shall apply.

(Ord. No. 5-79, 4-17-79; Code 1980, § 6-2-145)